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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92045000
Party	Plaintiff Bass Pro Trademarks, L.L.C. Bass Pro Trademarks, L.L.C. Bass Pro Trademarks, L.L.C. Bass Pro Trademarks, L.L.C. Bass Pro Trademarks, L.L.C. 2500 East Kearney Springfield, MO 65898 UNITED STATES
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Attachments	BPS v SWI P's Amded Stp Mtn to Ext Test Period.pdf (4 pages)(77818 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 2,390,988

For the mark SPORTSMAN'S WAREHOUSE HUNTING FISHING CAMPING RELOADING
OUTERWEAR FOOTWEAR and Design

Date registered: October 3, 2000

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Bass Pro Trademarks, L.L.C.,	:	CANCELLATION NO. 92045000
PETITIONER,	:	
	:	
v.	:	
	:	
Sportsman's Warehouse, Inc.,	:	
RESPONDENT	:	
-----	:	

**PETITIONER'S AMENDED STIPULATED MOTION
FOR EXTENSION OF PETITIONER'S TESTIMONY PERIOD**

COMES NOW Petitioner Bass Pro Trademarks, LLC ("Petitioner" or "Bass Pro"), by and through their undersigned counsel, and, by stipulation of Respondent Sportsman's Warehouse, Inc. ("Respondent"), hereby respectfully amends its previously filed request for an extension of Petitioner's testimony period in the above referenced matter pursuant to 37 C.F.R. §2.121(a)(1). Bass Pro states the following grounds in support of its amended motion:

1. In its Order of July 7, 2006, the Board reset Petitioner's testimony period in the above referenced matter to close on December 6, 2006.
2. Petitioner intends to call a total of four witnesses during the course of its opening testimony period. Counsel for Petitioner and counsel for Respondent attempted in good faith to schedule the dates for the testimony of these four witnesses on or before December 6, 2006. However, due to the schedules of counsel and the witnesses, and exacerbated by the holiday

season, the parties were unable to identify mutually suitable dates on or before December 6 for three of the four witnesses.

3. The first mutually available dates for the trial depositions of the three remaining witnesses called by Petitioner were January 11 and 12, 2007. Respondent has stipulated to an extension of Petitioner's testimony period to accommodate these trial depositions.

4. On January 8, 2007, Petitioner filed with the Board a Stipulated Motion for Extension of Petitioner's Testimony Period in which Petitioner requested an extension of its testimony period up to and including January 12, 2007. The Board has not yet rendered a ruling on that Motion.

5. On January 9, 2007, counsel for Petitioner learned for the first time that its lead trial counsel for this matter would be unexpectedly unavailable for the remainder of this proceeding. Counsel for Petitioner immediately notified counsel for Respondent and requested a further extension of Petitioner's testimony period to allow for the replacement of Petitioner's lead trial counsel, to which counsel for Respondent granted its stipulation.

6. The trial depositions of Petitioner's three remaining trial witnesses are now scheduled for January 23, 2007.

7. The extension requested herein will not materially impact the remainder of the trial schedule for this matter. Petitioner has stipulated to an extension of Respondent's testimony period, which is currently scheduled to close on February 4, 2007, up to and including February 20, 2007. However, the rebuttal testimony period, currently scheduled for March 21, 2007, will proceed with no change, as will the briefing schedule set by the Board. Therefore, the extension requested herein will not require any further delay of these proceedings and will not prejudice or inconvenience Respondent or the Board.

8. Petitioner has consulted with counsel for Respondent concerning the present motion, and Respondent has stipulated thereto.

9. 37 C.F.R. §2.121(a)(1) provides that the testimony periods in an *inter partes* proceeding may be rescheduled by stipulation of the parties approved by the Board.

WHEREFORE Petitioner Bass Pro Trademarks, LLC, with the stipulation of Respondent Sportsman's Warehouse, Inc., respectfully requests an extension of Petitioner's testimony period up to and including January 23, 2007.

Respectfully submitted, this 22nd day of January, 2007.



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CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing document was served by facsimile and first class mail, postage prepaid, on Christopher R. Smith, Lindquist & Vennum, PLLP, 80 South 8th Street, 4200 IDS Center, Minneapolis, MN 55402-2205, the attorney for Respondent, on this 22nd day of January, 2007.


